

## Charles N. Clevert, Jr. Procedures

**Procedures for Litigants appearing before Judge C.N. Clevert, Jr. Form of Pleadings** All pleadings, motions, responses to motions, briefs, stipulations, affidavits, and proposed orders must be double spaced and in not less than 12 point type. **Scheduling Orders** After all parties have answered, the court sets a date for the filing of a joint planning report. The parties must confer and file the joint planning report as required by Fed. R. Civ. P. 26(f). **Extensions of Time** A party seeking the extension of any deadline should confer with all other parties in the case to determine whether the extension is contested.

If all parties agree to the extension, a joint or agreed motion or a stipulation should be filed with a proposed order. The deadline is not extended until the court enters an order regardless of the stipulation.

Any request for an extension of time, including a stipulation, should set forth the reasons for the extension, such that the court can determine whether good cause exists under Fed. R. Civ. P. 6(b). **Separate Order Required** The court does not enter margin orders or sign at the end of stipulations. A proposed order should be submitted as a separate document. The caption should reflect the subject of the motion or request, for example "Order Granting Plaintiff's Motion for Extension of Time"; rather than "Order."

Proposed orders should be e-mailed to ClevertPO@wied.uscourts.gov in Word Perfect format. In a non-e-file case, e-mailing does not replace submission of a hard copy as well. **Nondispositive Motion Practice** Parties may file expedited motions on nondispositive matters following the procedures in Civil L.R. 7.4. The court will contact the parties if it determines that a telephonic conference is necessary.

Note that the parties must confer prior to filing a motion regarding a discovery dispute. See Fed. R. Civ. P. 37(a); Civil L.R. 37.1. The court encourages the parties to work out discovery disputes and discourages discovery motions. **E-Filing and Courtesy Copies** In e-file cases, chambers' staff does not receive immediate notification of filings. Therefore, a hard copy of any document seeking expedited relief or filed within 48 hours of a hearing must be delivered to chambers promptly. Alternatively, parties may telephone chambers to alert staff of the filing.

Any e-filed document exceeding 10 pages (including attachments) or relating to summary judgment must be provided in hard copy as well. The parties should e-file the documents and deliver a hard copy of every such document directly to chambers promptly, with a notation on the first page of each document indicating the date on which the document was e-filed and the document's docket number, if available.

Where lengthy or multiple exhibits are attached, such exhibits must be tabbed and securely bound (for instance by three ring binder or large clip) for ease of use and to prevent inadvertent loss of pages. The court may require parties to resubmit any documents not properly tabbed or bound. **Temporary Restraining Orders** The court prefers that any request for a TRO or preliminary injunction be served upon the opposing party or counsel before the motion is heard and decided. **Protective Orders and Documents Filed under Seal** Proposed protective orders should not contain language giving the parties advance permission to file documents under seal. No document treated as confidential under a protective order may be filed under seal unless the court, on separate motion for good cause shown, grants leave to file under seal. Any request for filing under seal should be limited to the smallest portion of the document that requires sealing. In other words, the confidentiality of matters in one exhibit or on a few pages of a lengthy brief will not justify the sealing of other exhibits or the entire brief. **Summary Judgment Motions** As noted above, all documents relating to a summary judgment motion must be provided in hard copy.

Parties must comply with Civil L.R. 7.1 and with Civil L.R. 56.1 and 56.2 as applicable. Parties are encouraged to file stipulated facts under Civil L.R. 56.2 to the extent possible. Stipulated facts or proposed findings of fact should be emailed to ClevertPO@wied.uscourts.gov in Word Perfect format. **Oral Argument** Most motions are decided on briefs. The parties may request oral argument, but whether oral argument will be set is a matter within the court's discretion. **Motions in Limine** Motions in limine in civil cases are generally due one month before a final pretrial conference so the decision can be issued at or before the final pretrial conference. Parties should refer to the scheduling orders issued in their cases for exact dates. Responsive briefs shall be filed in accordance with Civil L.R. 7.1(b) if no briefing schedule is otherwise set by the court. **Voir Dire and Jury Instructions** The court uses standard voir dire questions to elicit the background and possible biases of the jurors.

The court has standard jury instructions regarding the evidence to be considered, the burden of proof, and the jury's procedures while deliberating. The court's standard civil jury instructions are available on the Eastern District's website.

Parties must confer prior to the final pretrial conference in an attempt to prepare a joint set of jury instructions on the substantive issues. Instructions proposed by the parties should be e-mailed to ClevertPO@wied.uscourts.gov in Word Perfect Format. **Exhibits and Exhibit Lists** Parties should confer prior to the final pretrial conference to seek stipulations regarding the admission of as many exhibits as possible. Exhibits shall be numbered in accordance with General L.R. 26.1. Parties should not designate "plaintiff's" or "defendant's" on the exhibits.

Parties should submit to the court prior to the start of trial an exhibit list in hard copy and in an electronic format. The preferred format is found on the Eastern District's website under the "Form Repository" tab. Courtroom Decorum Counsel are expected to address clients, witnesses and all parties by their surnames.

In making an objection, counsel shall briefly state the grounds for objecting. During jury trials, the court will call a side-bar if further argument is necessary.

One attorney should speak on behalf of a client as to any issue under consideration during a trial or hearing.

Counsel should address the court rather than each other during the course of hearings or trials. Courtroom Equipment The courtroom is equipped with an ELMO, VCR, cassette player, and video monitors, and counsel may use personal laptop computers. If counsel are unfamiliar with this equipment but wish to use it, contact court staff in advance of the hearing or trial. Transcripts Transcripts are ordered through the court reporter rather than the court. Parties should request the name of the court reporter before or at a hearing if a transcript will be ordered. Parties requesting daily copy or real time reporting during a trial should contact the court reporter well in advance of trial. Pro Hac Vice Admissions The court does not grant permission to appear in this district pro hac vice. Any attorney appearing in this court must apply for regular admission to practice in the district. Contact the clerk's office for information on admission to practice in the district.